

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES R. ARAGON,

Plaintiff,

v.

CV No. 18-1101 JAP/CG

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

**ORDER GRANTING IN PART DEFENDANT'S MOTION TO BIFURCATE AND STAY
PLAINTIFF'S EXTRA-CONTRACTUAL CLAIMS**

THIS MATTER is before the Court on Defendant's *Motion to Bifurcate and Stay Discovery and Proceedings as to Plaintiff's Extra-Contractual Claims*, (Doc. 23), filed April 10, 2019. The Court ordered expedited briefing on the Motion, (Doc. 24), and was subsequently informed that Plaintiff does not oppose Defendant's Motion. Having reviewed the Motion, record of the case, and relevant law, the Court will grant the Motion in part as set forth below.

In the Motion, Defendant asks the Court to bifurcate Plaintiff's extra-contractual claims from his contractual claims and stay discovery and all proceedings as to the extra-contractual claims. (Doc. 23 at 1). Defendant argues that Plaintiff's extra-contractual claims are predicated on him establishing a contractual breach and the amount of damages he is owed on his contractual claims. *Id.* at 5-8. Therefore, Defendant states it would be prejudiced if it has to provide discovery and proceed on Plaintiff's extra-contractual claims at this time. *Id.* at 8-10.

Plaintiff does not oppose Defendant's Motion. Since the parties agree that bifurcation of discovery would be appropriate in this case, the Court will grant the Motion

as to Defendant's request to bifurcate discovery. However, the Court cannot bifurcate the trial as to Plaintiff's extra-contractual claims as that would be for the presiding judge to determine.

The Court will require the parties to file a Joint Status Report and Proposed Discovery Plan no later than May 3, 2019, setting forth their proposed deadlines for bifurcated discovery. The Court notes that the parties have been engaged in discovery since January 15, 2019, their discovery deadline is July 15, 2019, and a trial has been set for December 2, 2019. (Docs. 15, 18). Therefore, the Court directs the parties to keep these dates in mind as they prepare their proposed discovery plan.

IT IS THEREFORE ORDERED that Defendant's *Motion to Bifurcate and Stay Discovery and Proceedings as to Plaintiff's Extra-Contractual Claims*, (Doc. 23), is **GRANTED IN PART** and the Court will allow the parties to proceed with bifurcated discovery.

IT IS FURTHER ORDERED that the parties shall file a Joint Status Report and Proposed Discovery Plan no later than **May 3, 2019**, setting forth their proposed deadlines for bifurcated discovery.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE